

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

WALTER N. KOSCH, et al.,	)	
	)	
	)	
v.	)	No. 08 C 750
	)	
FFIC/BEAM, INCORPORATED, a Philippine corporation, et al.,	)	The Honorable Blanche M. Manning
	)	
Defendants.	)	
	)	

**MOTION TO DISMISS OF DEFENDANT TIMOTHY SLIFKIN**

Now comes Defendant Timothy Slifkin, by his undersigned attorneys, and moves, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for entry of an order dismissing the complaint in this cause as to him for failure to state a claim upon which relief can be granted. In support of this motion, Defendant Slifkin states as follows:

1. Paragraph 20 of the Complaint in this cause states in full: “Defendant, Slifkin, is an individual and on information and belief is domiciled and a citizen of New Jersey and is the president of [Defendant] FFIC/Beam.”
2. The Complaint in this cause makes ***no*** other reference to Defendant Slifkin, either by name or in some other fashion. The Complaint in this cause contains ***no*** allegations against Slifkin (other than to identify him as quoted above) and seeks ***no*** relief from him. Each count of the Complaint identifies both who it is against and who relief is sought from; in no instance is relief sought against Defendant Slifkin.

3. The Complaint in this cause does seek relief against named individuals who are said to be Directors of Defendant FFIC/Beam. However, these individuals are all identified by name in paragraphs 8 through 17 of the Complaint in this cause. Defendant Slifkin is not identified anywhere in the Complaint in this cause as a Director of Defendant FFIC/Beam.

4. Since no allegations are made against and no relief is sought from Defendant Slifkin in the Complaint in this cause, manifestly that Complaint fails to state a claim upon which relief can be granted and thus must be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant Slifkin prays that this Honorable Court enter an order dismissing the Complaint in this cause as to him.

Respectfully submitted,

TIMOTHY SLIFKIN

By: /s/ Theodore J. Low  
One of his Attorneys

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